EMAIL TRAFFIC FOR OSEI --- JULY 1, 2011 TO PRESENT

EPA meeting request with the OSEI Corp to utize OSE II for the BP Gulf spill RE: Invitation to Meet

steven pedigo
to:
Steve Mason, LisaP Jackson
12/22/2011 11:38 AM

From: steven pedigo <stevenosei@msn.com>

To: Steve Mason/R6/USEPA/US@EPA, LisaP Jackson/DC/USEPA/US@EPA
To: EPA Officials Broyles Ragan, Jim Staves, and Steve Mason
Dallas, Texas

From: Steven Pedigo – CEO OSEI
Date: December 16, 2011
Dear Sirs:

It is 5:00 PM central standard time on December 16, 2011 and I have not received a response from my email to you addressing your request for a meeting to, as you said, discuss "concerns, and to determine our path moving forward".

I responded on November 23rd, 2011 to your emailed request dated November18, 2011 to establish some dates for a meeting, stating that we could meet on December 14, 15, or 16, 2011. That provided 24 days notice of potentially acceptable dates. I asked you for an itinerary of the meeting to be sent to me a minimum of five days prior to the acceptable date. I assume that, despite your request for a meeting, there was no real intention to follow through with that as I have received no response to my email.

When I first read your letter of November 18, 2011, it appeared to me to bear remarkable resemblance to a statement made by Jim Makris, an EPA official and Co-Chair of the NRT (EPA's National Response Team) in front of the EPA and RRT 6 (EPA's Regional Response Team 6) in San Antonio in 2000. Jim stated at that time that, after 11 years of us trying to get OSE II pre approved, he thought it was time to move forward. Again, that was 11 years ago. As you can see, your current email (11 years later) shows there was no movement forward, and you were now making a similar statement. It has now been over 22 years that I as an individual and OSEI as a corporation have been requesting pre approval status for the product OSE II and still no movement forward and no valid scientific reason ever provided as to why.

It is conceivable that whoever helped develop the email you sent to me knew in February of 2011 that Dana Tulis of the EPA responded to a cease and desist letter I wrote to Sam Coleman in your Dallas EPA headquarters and EPA Rep to the RRT6 earlier this year. Dana Tulis stated:

OEM is interested in meeting with you to discuss the results of demonstrations and uses of OSE II and to discuss the Agency's effort to revise the requirements under Subpart J of the National Contingency Plan. Please contact Craig Matthiessen of my Office, at 202-564-8016, to discuss a meeting and to address any additional questions you may have."

I never contacted Mr. Matthiessen as Dana Tulis had asked me to do, because I thought it would be, yet, another, waste of time. As I exposed in a letter to NOAA's Charlie Henry on January 26th, 2011, he and Sam Coleman have used verbal innuendo and supposition to wrongfully mischaracterize, prevent and avoid authorization of OSE II for utilization on the BP Deepwater Horizon oil spill. Had I not been willing to meet with you, per your request, I suspect that someone from the EPA would have tried to use that as an excuse to justify "not being able to act" on the formal request I sent to EPA/RRT 6 on July 1, 2011 for immediate authorization and/or pre approval.

Again, should there be a serious interest to do so on your part, I would be happy to meet to discuss this. However, it seemed out of the ordinary that you wanted to spend time with me re-developing a protocol for the use of bioremediation that you admitted has already been developed by other RRT's. And even more strange since the NRT

developed a bioremediation protocol in 1992 for the EPA at great taxpayer expense, which I subsequently provided to you for your information. After 22 years, this did not appear to be forward motion as promised by your letter and request to meet.

In my response to your email of November 18, 2011 in which, per your request, I offered up dates that we could meet. I suspect that the reason why the EPA (Ragan Broyles, Jim Staves, Steve Mason) never responded to my willingness to meet, per their request, was based on my statement in the email that the meeting had no bearing on my July 1st, 2011 formal request for pre approval. And let me reiterate here, that request stands and I still want an answer immediately.

OSEI's formal request is problematic for the EPA since EPA's Sam Coleman and NOAA's Charlie Henry, for some unexplained reason, tried to wrongfully block OSE II by engaging in the spreading of disinformation about the product. The formal request with the submission of over 350 pages of test data (much of which are tests done by the EPA itself) and extensive successful field use of OSE II has proven that there is no scientific reason not to use OSE II. In your original email to me, you stated you wanted to meet and find a pathway forward; yet now you will not respond to move forward. Even your letter of August 24, 2011 to Steven Pedigo OSEI Corporation, which inaccurately quoted 40 CFR, mandates that you do exactly what I was requesting you to do.

There is a point I want to make here of importance in the history of OSEI's repeated attempts over the past 21 years to receive authorization for use of OSE II on an oil spill on U.S. navigable waters. Despite the fact that OSE II has gone through the rigorous, expensive and redundant testing demanded of it to be on and stay on the EPA's National Contingency Plan Product Schedule, and the fact that it has shown to be a superlative method of oil spill cleanup, it has never been allowed for use in U.S. navigable waters, with only one exception: EPA used it to clean up the large spill on the Osage Indian Reservation in 2004 that it had not been able to clean up for 2 years until they finally resorted to OSE II, which then cleaned up 100% of the spill in a matter of weeks. Our first formal request for the authorization of OSE II was put in writing to Eric Brethauer of the EPA on February 9, 1990. There have been numerous and repeated subsequent requests for authorization and/or pre approval of OSE II since then, and, to date, there has been no movement forward. In fact, the EPA has developed quite a track record of mischaracterizing OSE II, adding arbitrary hurdles to overcome, performing nefarious acts to block OSE II, and just ignoring our requests over the last 21 years.

You were sent the OSEI letter titled Economic Comparison that actually compared OSE II to Exxon's horribly toxic "Corexit dispersants as well as mechanical clean up methods. Comparisons were based on efficacy of clean up, levels of toxicity, human health consequences, natural resource damages, litigation, and costs. The document shows neither Corexit dispersant or mechanical clean up (booms and skimmers) are comparable in any way to the effectiveness and safety of OSE II. Yet the EPA and specific individuals within it are the reason OSE II is not being utilized. By ignoring scientific evidence that your protocols are inadequate and advocating a single dispersant product proven to be toxic and harmful to life while ignoring safer and more effective solutions you have violated the Clean Water Act, violated the EPA's charter and mission statement. The EPA as an agency and key EPA officials are standing squarely in the way of oil spill clean up and by so doing are allowing massive amounts of unnecessary environmental destruction to occur.

I am attaching several documents. One is based on EPA numbers regarding how many gallons of water a gallon or liter of oil will pollute. The Gulf of Mexico has approximately 634 quadrillion gallons of water and, as of early December 2011, the EPA and specific executives within it have allowed, through your ineffective, destructive and inadequate cleanup response methods, the BP Deepwater Horizon (DWH) spill to pollute 0.067% of this entire body of water (the 6th largest body of water in the world). As you may know, 0.06 ppm of PAH's cause adverse health effects to humans.

I have been in contact with expert economists and have received one document that shows the spill is causing the Gulf states to lose revenues and property values of approximately $122 billion a year; and this number is extremely conservative. It can easily be demonstrated that the ongoing spill is costing the Gulf states $500 billion a year in lost revenue, diminishing property values, other loss to all the peripheral associated businesses that have been economically damaged, and increased drain on the public health system from all of the people who are getting sick and those who will get sick in the future from exposure to the carcinogenic, mutagenic and teratogenic elements in the dispersed oil.

The economic numbers show the current loss; however, it is estimated through numerous reports that the spill has leaked approximately 2,000,000 gallons of oil a day and has never stopped. On several places on the Internet there is a video showing a third BP well where there is an enormous crater leaking oil. There are numerous ex BP oil spill responders that have stated there is a trench southwest of the well with 80 to 100 feet of oil laying in it, and, per University of Southern Florida scientists, we know there are several inches of oil laying on the Gulf's continental shelf

further endangering the U.S. Gulf state's natural resources. What you have as of October 31, 2011 is approximately 1 billion gallons of oil spilled. Some of the oil is going south to the trench and heading southwest towards Mexico with reports from Mexican officials of their shorelines being devastated by the ongoing DWH oil spill. Some of the oil is coming ashore in the U.S., and enormous amounts of oil are in the water column destroying the marine life and fisheries.

The ongoing spill has been estimated in reports to be capable of leaking for the next 20 to 30 years, portending massive natural resource damages. And, while this environmental disaster of epic proportions continues, the EPA knows of an utterly effective, relatively inexpensive method of oil spill cleanup which has absolutely no toxic "tradeoffs" or negative side effects; and you are actively blocking its use. What kind of environmental protection is that?

Possibly the economic implications and impacts of your decision to pre-approve the use of Corexit may lead to a new look at OSE II.

As OSE II costs $2 for every gallon of oil spilled, if there are 2 million gallons of oil still gushing into Gulf waters per day (as has been reported), that means that for far farless than the cost of Corexit (which does not clean up the oil) and other methods based on current established protocols OSE II can return the area outside of an approximate 5 mile radius of the leaking well(s) and seabed fissures to pre spill conditions while containing within that 5-mile radius the ongoing spewing oil, and minimizing the oil's impact from the second it releases into the environment.

So, for approximately $3.5 billion a year, you can restore an absolute minimum of $122 billion in revenues. This is an acceptable trade, $4 billion for $122 billion and up in revenues (full economic study is available upon request) In other words, if the EPA allowed OSE II to be implemented at or near the beginning of this disaster, the cost would have only been $400 million to contain the oil within a small finite area around the wellhead, resulting in no damage to Gulf state shorelines. The cost of continuing to contain the oil in the geographic area around the wellhead until the mechanical means to plugging the unnatural seepage created by the disaster can be figured out would have been a fraction of the cleanup cost and ensuing economic losses caused by the EPA's decision to allow its ongoing inadequate response and use of toxic chemical dispersants. The tax implications of losing $122 billion in taxable revenue is a shocking reality of how damaging the EPA's actions have been, and continue to be, for the U.S. Government.

One of the most compelling reasons to immediately authorize OSE II for the BP DWH spill is that good people are being needlessly hurt from your unjustifiable decision to not immediately authorize OSE II.

As you know the responsible party, BP, requested the use of OSE II in field tests in one of the hardest hit areas - Bay Jimmy; Governor Jindal tried to get OSE II field demonstrated before the oil hit the LA mainland; the Coast Guard letter from their Research and Development center in Groten, CN stated that they should take action with OSE II; three state senators requested the use of OSE II; the city of Destin, FL formally requested the use of OSE II; LA DEQ requested the demonstration of OSE II. These requests to the EPA were either ignored, or verbally denied through inaccurate supposition and innuendo. DOI performed a test earlier this year comparing OSE II, Exxon's toxic Corexit dispersants 9527a and 9500, and mechanical clean up methods, proving OSE II was the most efficient clean up method/product; and in every case the finger points directly to the EPA actively blocking the use of the world's most efficient, non toxic, safest (for humans, marine species, and wildlife) means to address 100% of the BP DWH ongoing oil spill.

With this much destruction raging through the Gulf, it is time for the EPA to stop using unscientific supposition, false innuendo, mischaracterizations, misinformation and nefarious acts against OSE II. It is time to send a document immediately authorizing the utilization of OSE II by BP or the effected Gulf states in order for them to be able to protect and restore their natural resources.

Once again I will await the document authorizing OSE II from the EPA/RRT 6, and, if you still want to meet and discuss the redundant protocol, I am willing; just let me know.

Sincerely,
Steven Pedigo
CEO/Chairman OSEI Corporation

P.S. Given the track record of response to my official requests, I have decided to info copy several investigative journalists and media outlets on our correspondence going forward to make this a matter of public record in defense of the victims of this disaster. Additionally, so there can be no misunderstandings, I have attached documents that support my statements herein.

ATTACHMENTS/DOCUMENTATION:

1. 7/1 OSEI's formal request to EPA RRTs from CEO OSEI http://www.osei.us/reports
2. 8/24 RRT 6 Response to OSEI CEO Formal Pre-Approval Request
3. OSEI CEO Response to 8/24 RRT 6 Response
4. Meeting Request from RRT 6 Reps 18/11
5. OSEI CEO Reply to 18/11 RRT 6 Meeting Request
6. No Response from RRT 6 to attachment 5 prompting this letter.
7. Historical Perspective and other Documentation:

a. 2004 EPA Meeting, Congressman Pete Sessions (Historical Perspective)
b. 1990, OSEI Corporation, First Formal Request to EPA, Eric Bretthauer
c. Economic Impact/Contamination Calculations Worksheet
d. Economic Comparison Paper
e. OSE II Third Party Endorsements/Scientific Testing

Additional information The EPA Time Track here shows how Oil Spill Eater should have been used sooner on the clean up in Gulf and still should be used. http://bit.ly/m1xCtq
When visiting the link for the EPA Time Track please allow time for download the document is 54MB.

RE: Invitation to Meet
steven pedigo
to:
Steve Mason
11/23/2011 02:31 PM

From: steven pedigo <stevenosei@msn.com>
To: Steve Mason/R6/USEPA/US@EPA

Dear Mr. Mason, Mr. Staves and Mr. Broyles,

I am in receipt of your 11/20/2011 email request for a meeting with me. As you know, OSE II has been on the NCP list for oil spill cleanup since 1989. Despite that, the only product that the EPA has ever given "pre approval status" to for use on U.S. navigable waters is Exxon's product, Corexit. As you are aware, I have requested EPA authorization or permitting for specific spills, and pre approval status overall for OSE II for years, providing in-depth and comprehensive documentation to support my requests. To date, every request by the OSEI Corporation and by other government agencies, elected officials, and responsible parties has been ignored, or verbally denied through inaccurate claims and innuendo by EPA officials.

As you must know, "pre-approval status" given by the EPA to Exxon's product, Corexit, has created a monopoly for Exxon in the field of oil spill cleanup on U.S. navigable waters for the past 23 years. Only when a product has pre approval status will oil spill response companies that stage equipment and chemicals agree to purchase and stockpile the product in large enough quantities to handle possible future emergency spills. The EPA's decisions and actions have also created a situation in which any responsible party that had a spill had a choice of only one product - Corexit. By not allowing OSE II to be pre-approved, corporate executives responsible for oil spill response preparation are not willing to purchase OSE II for their emergency response stockpiles, even though it is the only non-toxic, first response (meaning it can clean up fresh as well as weathered oil) product on the NCP list, and that has the scientifically substantiated predictable end result of cleaning up 100% of the oil. But without pre approval status, why would a company purchase a product for stockpiling if, in the event of an actual spill event, there is still the barrier of obtaining authorization for its implementation, which, in the EPA's history, has never been given to any other product than Corexit? Because of the EPA's actions, Corexit has been sole sourced and there has been a closed system to any other product being utilized as an emergency response tool for a spill.

Therefore, let me repeat here, that my formal request for the authorization or permitting and pre approval status for OSE II on July 1st to the RRT VI stands and needs to be immediately approved, or denied. And, if denied, a full written description must be supplied to the OSEI Corporation as to the exact scientific reasons why it is being denied.

I am happy to meet with you to discuss the facts of the my July 1st letter, the EPA's August 24th letter, my October 1st letter, and your November 18th letter. Please provide the exact itinerary of the meeting at least 5 days prior, and whether there is any information you expect me to provide that has not been previously provided to EPA and the USCG.

I am available to meet on either December 14th, 15th, or 16th, 2011. We can meet at the Hyatt around the corner from your office in Dallas, TX in the second floor atrium room.

Your email indicates that you want to discuss my "concerns" expressed in my 10/1/2011 letter. I presented only facts, not concerns, in that letter, so I am somewhat puzzled about this. In addition, your email discusses the potential of developing a bioremedial emergency response plan as "other Regions have [developed]." I don't understand the need to re-develop what you say has already been developed; and I submitted the bioremediation protocol for bioremediation products that was developed in 1992 with taxpayer funds for the EPA by the NRT. Regardless, you seem to leave an "out." A bioremedial plan is what the public wants, and is necessary in light of the fact that the only solution now authorized by EPA is for two Exxon products that are chemically toxic: Corexit 9527A and 9500.

You then indicate that you want me to work with the industry group to develop already existing bioremedial protocols. You may not know that I have written protocols that are being used by several USCG districts, foreign countries for pipelines, refineries and emergency response oil spills. My time is valuable and costly. Although I am willing to assist moving this forward, I do not have the time or inclination to participate in a circular process (which in my experience has been the pattern in my dealings with the EPA over the past 23 years) ending up in a lot of effort for all parties involved with no beneficial result.

I am willing to work with you, but I am steadfast in my demand for immediate authorization. The Macondo 252 well is still leaking oil, and the authorization for use of OSE II is critical to the recovery of the health and wellbeing of the Gulf and its inhabitants.

I await your response.

Steven Pedigo

To: stevenosei@msn.com
CC: broyles.ragan@epa.gov; staves.james@epa.gov
Subject: Invitation to Meet
From: Mason.Steve@epamail.epa.gov
Date: Fri, 18 Nov 2011 09:24:41 -0600

Steven,

In response to your letter on October 1, we would like to meet with you to discuss your concerns and determine our path forward. In addition, the Region 6 Regional Response Team (RRT) will be considering the potential of developing a Bioremediation Emergency Response Plan, as other regions have developed. If this is successful, we would like to have you assist in the development of such a document, working with the RRT Industry Workgroup.

Please contact me to see when you would be available to meet with Ragan Broyles, Jim Staves, and myself after December 1, at 214-665-2276, or email me with potential dates you are available to meet. We can either meet at our offices, or other location around Dallas.

Faithfully yours

Steve

Steve Mason, EPA Region 6 (6SF-PE)
1445 Ross Avenue, Dallas, TX 75202
214-665-2276 / 214-665-2278 fax

OSEI Corporation response to EPA letter of 8 24 2011

steven pedigo
to:
James Staves
10/01/2011 01:18 AM

Dear James Staves,

I have responded to Ragan Broyles letter to the OSEI Corporation of 8 24 2011, in response to my request, and the OSEI Corporations request for a permit, authorization, and permanent pre approval of OSE II. This email and its contents need to be delivered to Ragan Broyles, and I would appreciate a confirmation that this has been carried out. Attached to this email is the letter sent to me by Ragan Broyles, an economic and complete comparison of OSE II to mechanical devices, and dispersants, the OSEI Corporation summary of the DOI testing of OSE II, and my response to Ragan Broyles. For reference the link to the OSEI Corporation original request for a permit, authorization, or permanent pre approval for RRT VI, http://www.osei.us/reports a time line of events that have occurred with the OSEI Corporation and the EPA since May of 2010 for the BP DWHS. http://bit.ly/m1xCtq

I will await for the authorization and approval of OSE II.

Steven Pedigo
Chairman/CEO OSEI Corporation

Ragan Broyles
Emergency Response Branch (6SF-P)
1445 Ross Avenue, suite 1200
Dallas, Texas 75202
Ph 214 789 3147

September 21, 2011

Dear Ragan Broyles,

In response to your email of August 24th, 2011, I am compelled to correct several extremely erroneous statements that were made in it, and will attempt to clarify parts of it that were incoherent. Your email to me was in response to my request of July 3, 2011 to the EPA for long-overdue pre-approval status of the OSEI Corporation's first-response, non-toxic oil spill cleanup product, OSE II.

Unfortunately, the entire premise of your email response is incorrect. First of all, your letter does not clearly describe my earlier letter as what you are responding to; however, as it arrived a couple of weeks after the letter I sent RRT VI, I am assuming yours is in response to the formal request for a permit or authorization of OSE II for the Deepwater Horizon oil blowout (known as DWHS) and permanent pre -approval status by RRT VI for the use of OSE II. I expect you to verify this in any future response to me so that it is known and clearly understood that we are discussing the same letter.

Your first sentence was,

"I am responding to your email of July 3, 2011 to provide information on the process for authorizing the use of bioremediation agents for spill response, and to clarify what appears to be some misconceptions regarding the current status of consideration for use of your product on the remaining oiled areas from the Deep Water Horizon Spill",
I did not ask for information on the process and your stating that I requested this information is a false statement in regards to my personal and the OSEI Corporations request for a permit/authorization, and pre approval.

Your email misconstrued the premise of my letter. My letter was a formal request, personally and by the OSEI Corporation, for a use permit and/or authorization of OSE II for use on BP's Deepwater Horizon oil blowout, and permanent pre approval for OSE II. RRT VI has given a horrifically toxic product, Corexit 9527A full authorization and pre-approval status. The fact that Corexit 9527A is incredibly destructive has been fully verified and agreed upon in a joint consensus by numerous scientists and other highly credible authorities living on the Gulf Coast.

At the end of paragraph one, you state,

"There appears to be misconceptions regarding the current status of consideration for the use of your product on the remaining oiled areas from the Deep Water Horizon Spill."

By using the phrase "the remaining areas", it clearly shows that you are either completely out of touch with the reality of what is going on in the Gulf now regarding the on-going devastation and just how wholly inadequate the past remediation efforts have been, or you do not want the full scope of on-going damage that the blowout is creating to be known. There are and have been numerous reports of new oil from the well and seabed fractures on a continuous basis, and the new, fresh oil has been fingerprinted by independent scientists as unquestionably from the Deepwater Horizon well.

Contrary to Dana Tulis' (the EPA's Deputy Office Director in the Office of Emergency Management) assurance to me in the winter of 2011 that since July 2010 only 210 gallons of the highly toxic Corexit had been applied, there are numerous reports, as well as video's and pictures, of unmarked aircraft applying Corexit near shore. Just one of the C130's that was filmed doing the spraying as recently as a month ago holds ten times that amount, and there have been smaller C120, or C123's that have been documented as applying Corexit near shore, as well. You, as a representative of the EPA/RRT are allowing the continued application of Corexit, if for no other reason than the fact that you have the means to stop it and are not doing so.

There has also been a formal request by the State of Louisiana to the Coast Guard to cease and desist the use of Corexit/dispersants in the Gulf waters, as well as a formal request to President Obama through certified mail to halt the use of Corexit/dispersants in the Gulf of Mexico as well. Yet the application of Corexits/dispersants continues, under your watch.

Contrary to your statements, there are no misconceptions regarding the current status for the use of OSE II. In future correspondence with me or my company, I would appreciate it if you would use the proper name for the product – "OSE II" - rather than referring to it as "your product." This is not my product, it belongs to the OSEI Corporation. In your following response, please acknowledge this correction. The OSEI Corporation has fully documented the fact that OSE II has been directly requested by not only the responsible party, but also Gulf State officials, one City Council, and a letter from the U.S. Coast Guard that stated the FOSC should take action with OSE II. None of these were honestly addressed or acted upon by the EPA/RRT VI. Most were summarily ignored, despite the fact that the formal requests were coming from key stakeholders with representatives on the RRT.

In a recent meeting I had with BP's Senior Legal Counsel and 3 other BP attorneys. They reiterated the fact that BP had made the request for OSE II in June of 2010, and EPA denied their request. BP's lawyers stated they were bound by the government's decision. I asked why they were bound by it, since the EPA/RRT decision is costing their company needless billions of dollars. "The BP lawyer stated that they presented several items, and the EPA/RRT decision was final". The fact that BP stated they were bound by a forced decision to use an inadequate response that exacerbated the spill destruction may be something they will use in court.

This is an outrageous situation for a company to be in: forced to use the EPA/RRT VI's "preferred", as you described it, mechanical device cleanup and horrifically toxic dispersants that have exponentially increased the devastation caused by the blowout, and then forced to pay for all the damage created by the EPA/RRT's arbitrary and unscientific decision. It would seem that, in a court of law, BP has a great defense: "We tried to switch to a non-toxic, effective cleanup response and the RRT/EPA wouldn't let us; therefore we are not culpable for the destructive aftermath of the use of proven-to-be ineffective, yet 'preferred' EPA/RRT cleanup response methods."

On several occasions now, I have had to send formal letters to correct false information that Sam Coleman (the EPA's Director of the Superfund Division) and Charlie Henry (NOAA's Lead Scientific Support Coordinator for the BP Deepwater Horizon Oil Spill) have made. They have used baseless supposition to cast aspersions on OSE II, mischaracterized OSE II, and defamed the OSE II product, all of which are unlawful actions and outside of their and other EPA and government officials' employment contracts. In fact, the RRT VI and EPA officials who have justified the use of either versions of Corexit, and who have stated that it helps to breakdown the oil into droplets so microbes can digest them, is a false representation of both products' capabilities. The EPA has known since 1992 that anything with 2 butoxy ethanol in it prevents and slows degradation because it is so toxic that it kills the microbes. Yet Lisa Jackson and representatives from DOI, DOC, NOAA, and the Coast Guard have all made false statements in regards to what either of the Corexit products actually do, and this, too, is outside of their employment contracts.

The EPA, RRT VI, DOC, DOI, and Coast Guard have all made incorrect statements that have misled Gulf residents and the general public, showing great bias and favoritism toward one company's products. This, also, is outside of these employees' employment contracts. The fact that RRT VI has pre-approved one product out of the over 200 that have come and gone on the NCP list since 1989 also demonstrates flagrant favoritism to one company's product, especially in light of the fact that Corexit destroys the environment and the living creatures in it.

Your letter does not address my formal requests. Instead, it focuses on numerous items that have nothing to do with the original letter. I can discuss numerous merits of spill response with the EPA and other governmental agencies, if that's what you want to do. I assure you, science, experience and common sense are not on your side. Your "preferred" response of mechanical clean up and dispersant-Corexit has been absolutely proven to be a total failure, harmful to the environment, marine species, dangerously compromising human health, and needlessly running up clean up costs to an estimated 42 billion dollars, as of this date.

There is a scientific report that fully demonstrates the water, sediments, seafood, and human blood VOC levels are now at an extremely high level, proving that your "preferred" response of mechanical devices and allowed response of toxic dispersants to be a complete failure. This document proves that your "preferred" response is a failure and is backed up by the pictures and videos of millions of dead marine species that have died, as well as the pictures and videos of millions of gallons of oil coming ashore under the water's surface in plumes, or tar balls, all making boom response obsolete.

The next item you focus on in your email is the process for approving the use of bioremediation agents for use in spill response, and that the process for pre-approving such uses is established in 40 CFR part 300 subpart J. The arrogance of quoting such a fundamental and basic regulation to someone who has effectively cleaned up over 16,000 oil spills and who has the largest non-toxic spill response company, and who has the only non-toxic, first-response product on the NCP list is somewhat astonishing but certainly not out of character based on my extensive experience with the EPA/RRT over the past 23 years.

More importantly, you have quoted regulations, laid out by Congress to guide you in your RRT activities, that have either not been read by you, or, if read, not understood as they clearly state the opposite of the point you were trying to assert.

First, regarding Section 40 CFR, Part 300, Subpart J 300.910, it clearly states:

"RRT's and Area committees shall address as part of their planning activities, the desirability of using appropriate dispersants, surface washing agents, surface collecting agents, bioremediation, or miscellaneous oil spill control agents listed on the NCP product schedule".

That is exactly what I expect the RRT and Area committee to carry out with my formal request and the OSEI Corporation's formal request for the permitting, authorization and pre approval of OSE II. I am requesting only that you do your job, per the regulation you quoted.

The EPA/RRT has failed to do this since you requested BP to test demonstrate the bioremediation products before they were approved for use. This shows you were not adequately prepared for a spill despite the fact that the EPA/RRT spends enormous amounts of taxpayer money to be prepared for. Since OSE II is the only first-response, non-toxic bioremediation product on the NCP list, and since the on-going devastation to the Gulf is continuing to get worse, you need to act on and follow your regulation immediately with OSE II.

Had you read and/or understood all the information I sent the EPA/RRT VI, you would have seen that there are Louisiana State Senators, as well as DEQ officials, that want OSE II utilized immediately. These are key stakeholders with natural resources being destroyed every day that passes without effective cleanup response methods employed. Louisiana Governor Jindal's fast-track review panel studied all of OSE II's information, efficacy testing, toxicity testing on fresh and salt water species, dispersant test, metals and chlorinated hydrocarbon tests, OSE II's extensive clean up experience on open water and sensitive shorelines, marshes, and even ground water, and deemed OSE II as a clean up product they wanted used immediately. So, unless their is some other agenda going on that has nothing to do with cleaning up and protecting the natural resources which are entrusted to your protection, your review panel should come up with the same, since it is made up of academia and stakeholders just like the Governor's panel.

By quoting the stated regulations, you have pointed out the RRT's and the area committee's job. It would appear they have not adequately performed this task of addressing the desirability in the past since they had no idea as to the function, experience, and nature of OSE II, an NCP listed product. As is noted in my formal request and many of the attached documents to that request, your region VI EPA has successfully used OSE II on a sensitive US navigable water spill on the Osage Indian reservation. After two years of unsuccessfully trying to utilize "preferred" mechanical methods, the RRT VI finally allowed OSE II to be utilized and the entire spill was cleaned up in a matter of a couple of months. So RRT VI has experience, themselves, with the safety and benefit of using OSE II in sensitive marsh and shoreline settings. Again, this was pointed out in the formal request. How can you deny something that has proven successful use in the field previously, forcing a responsible party to carry out a previously-proven-to-be-inadequate response?

Also stated many times in the documents I sent, and which can be easily verified with Steve Fry of the U.S. Navy, OSE II was used on 100's of spills in the sensitive bay area of the San Diego Bay for three and a half years, with

dolphins, whales and other marine life nearby, with no adverse environmental effects and no marine life harmed. Please make sure the DOC and DOI, as well as all the RRT members, fully understand that as it is in stark contrast to what happens when either version of Corexit is used. The real significance of this information is that if OSE II was going to cause any environmental, wildlife, marine life, or human health problems, these would have shown up in that environment with the hundreds of times of repeated use. None ever arose.

As you may know, Nick Nichols reviews product information to ascertain a product's acceptability for the NCP list. He, Debra Dietrich (the EPA's Associate Administrator for Homeland Security) and others witnessed the U.S. Navy's Steve Fry when he and his assistants stated that they had used OSE II "hundreds and hundreds of times" to cleanup spills in San Diego Bay and had never had a single adverse consequence. This information was also pointed out in the documents for the pre approval and use permit or authorization request for OSE II to be used on BP's Deepwater Horizon blowout. Proven field use successfully addressing 100% of a spill minimizing the impact of the spill to the environment, unlike Corexits/dispersants, and preferred mechanical clean ups failures.

OSE II has an enormous track record of use on open water and in sensitive areas, as well as for ground water for drinking, shoreline and marsh areas. The EPA/NETAC Efficacy tests, the EPA NCP test of 2009, thousands of tests by governments, universities and militaries, irrefutable real-life cleanups in the field, and the recent BP Bio-Chem Strike Team's successful tests at LSU all prove beyond a shadow of a doubt how effective OSE II is at converting oil to a tested, scientifically predictable, substantiated end point of CO2 and water.

The more than 14 toxicity tests on fresh and salt water species, of which over 7 of the toxicity tests were performed by Hap Prichard at Gulf Breeze Florida, proves that no matter what ingredients are contained in OSE II, there are no toxicological problems with the use of OSE II in sensitive areas, and certainly nowhere near the toxicity of the lethal Corexits that the area command and the EPA/RRT have signed off on for pre approval, despite the fact that Corexit's own MSDS clearly states "do not contaminate surface waters" with it. OSE II has proven to be safe in the lab and the field exponentially.

I mention the toxicity tests since NOAA's Charlie Henry defamed, mischaracterized, and used supposition and innuendo to thwart the approval of OSE II for the DWHS. His statements are on record through RRT meeting minutes. His actions were unlawful and outside of his employment contract. Sam Coleman and the EPA then used Charlie Henry's statement, that he "will not allow a product with surfactants to be used" as a scientifically unfounded reason to thwart the implementation of OSE II by the U.S. Coast Guard and Louisiana DEQ. Henry's statement was scientifically baseless and showed that not only had he not reviewed OSE II's technical information, which is clearly contained in our technical package and open to the public on our website, but it also showed that he does not understand mother nature's own process of oil spill cleanup. Nature creates and incorporates the use of surfactants as part of the cleanup process of any toxic site. I am bringing up, once again, these baseless attempts to thwart OSE II in case they happen to rear their head again as an "unscientific" reason to not use OSE II.

There is no scientific or valid reason of any kind not to use OSE II in open water, beaches, shorelines, or marshes, since OSE II has been used successfully in these areas for 23 years. There are no destructive "trade offs" with the use of OSE II, as the EPA's Administrator Lisa Jackson admitted there are with the use of toxic chemical dispersants like Corexit. It should be an easy decision to authorize and pre approve the product OSE II with no trade offs, over the horrifically toxic Corexits with no benefit to spill response.

The regulation you referred to clearly lays out the job the RRT and Area command are to do, or, otherwise, be proven to be derelict in its duties. If the EPA/RRT actually carries out the regulations you reference, oil spill response can move forward with OSE II and leave behind the antiquated, outdated response methods that the DWHS has so painfully proven, once again, to be complete failures.

The second part of your second paragraph states

"The federal on scene coordinator (FOSC) may approve the use of such agents during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the release or discharge, and in consultation with the appropriate DOC and DOI natural resource trustees".

There have been numerous requests for the immediate implementation of OSE II on the DWHS from officials described in the above regulation. The State of Louisiana Department of Environmental Quality (LA DEQ) requested the demonstration of OSE II at least twice. Louisiana's Governor Jindal tried to get OSE II demonstrated in the field. (A side note to this is that Sam Coleman, through Dwight Bradshaw, threatened me that if I complied with the Governor's request for a demonstration there would be dire consequences for the OSEI Corporation. This act was unlawful and an extreme divergence from the EPA's mission statement or Sam Coleman's employment agreement.) The Coast Guard sent a letter to the FOSC to take action with OSE II. OSE II was successfully tested by the BP BCST with LSU, and OSE II

has been on the NCP list for many years. It was also demonstrated successfully on the BP spill in a marsh area in Mississippi on the order of Mississippi State Senator Tommy Gollot, after which he made a formal request for it. There is no scientific reason to not use, authorize, pre approve and permit OSE II. Despite all of these requests that squarely fall under the regulation stated above, the EPA/RRT/FOSC has continued to ignore and/or thwart any efforts to effectively cleanup the devastatingly destructive environmental impacts being created by the DWHS.

Your next statement that

"the Federal On Scene Coordinator (FOSC) may approve the use of such agents during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the waters threatened by the release or discharge, and in consultation with the appropriate DOC and DOI natural resource trustees. In the case of the Deepwater Horizon spill, the USCG provided the FOSC, and has made no request for concurrence by the RRT representatives listed above on the use of your product."

I am assuming you mean OSEI Corporations' product, OSE II. Correct?

My response to the above paragraph will be covered in several paragraphs below.

First, we possess the document where Dr. Tsao of BP's BCST requested the approval to the Coast Guard for the demonstration of OSE II in the field. Mr Goetzee scolded Dr. Tsao, then stated he would submit the request, and he added the statement Charlie Henry of NOAA had made, when he stated "I do not think the RRT will approve of the demonstration since there are products with surfactants." This shows the Coast Guard and the RRT were misinformed as it implies that there is something wrong with a product that has a surfactant. They obviously are not aware that there are different types of surfactants. Those that Mother Nature uses to safely and in a non-toxic way clean up oil spills and other toxic sites, compared to some that are man-made toxic surfactants like the ones in Corexit which the EPA/RRT have approved for use in massively destructive quantities. Charlie Henry's scientifically baseless statement has harmed the OSEI Corporation's ability to sell its product, and the liberty to make money.

The documents show there was a request by the responsible party for the use of OSE II, and there were, also, direct requests to Unified Command by state senators. If the Coast Guard did not let everyone know of the request, then I am assuming you are pointing out the FOSC was derelict in its duty. As I also stated the FOSC was directed by Coast Guard Grotten, Connecticut to take action with OSE II; so if the FOSC failed to carry out all the actions possible to protect the natural resources of the United States, they should be reprimanded, at the very least. Since the EPA is the Co-Chair with the USCG, they are supposed to help out in an emergency, as well.

There were several direct requests by DEQ for the demonstration of OSE II and other products, and EPA refused to act on them, as well. There were numerous requests for OSE II and, by flagrantly ignoring the requests or covertly thwarting their efforts to protect US natural resources and the public's health, the EPA/RRT did not fulfill its duties and violated its mission statement, which caused the OSEI Corporation to have to send direct requests to the RRTs for a permit, authorization and pre approval. Even a cursory study of the data would show that, per your regulations, the EPA/RRT is required to do this.

In your email, you mention that DOI is a natural resource trustee, and is one of the decision makers. I want to alert you to the fact that the RRT trustee for natural resources, US Department of Interior through BOEMRE, in June of 2011, tested and compared OSE II, dispersants/Corexits, and mechanical clean up. The study showed that, once again, OSE II worked extremely well and converted 67% of the dielectric oil to water and CO2 in 28 days, which means that, if given just a short time more, 100% of the oil would have been converted to CO2 and water achieving a total cleanup. Corexits/dispersants could never accomplish.

Compare that to Corexits in the DOI study, which, of course, did not clean up any of the oil, but only sank it below the surface and spread it throughout the water column, prolonging the oil's time in the environment and exacerbating it's toxic impacts. The study pointed out that as the temperature drops so does the sinking ability of the Corexits. Predictably, the testing of mechanical skimming showed skimming could occur in the DOI study; however, the best that can be expected from mechanical clean up is 2 to 8% which is absurdly inadequate, since this leaves 92 to 98% of the oil to contaminate the environment. These two types of response have proven in the BP DWHS to be inadequate, and they both exacerbate natural resource destruction or needlessly allow it.

The fact that the DOI a natural resource trustee has successfully tested OSE II now should prove OSE II should be authorized, and or pre approved. More scientific reason that OSE II should be the EPA/RRT's preferred response because it limits natural resource damage, and has a 100% predictable application end point of CO2 and water.

Your next paragraph states

"In response to your request for issuance of a permit for use of your product on BP's Deepwater Horizon Macondo oil blowout of April 20, 2010 there are no existing authorities for issuing such a permit."

This is really disingenuous. Because of my long experience with the EPA/RRT and other government agencies I have noticed that it is common practice to frequently change terms and terminology in order to confuse what would be a simple issue to normal people. In light of that fact, I wrote my formal request in such a way that it covered several ways to make the request, with the intention of covering all bases so that it couldn't just be arbitrarily brushed off. In my request, I stated,

"In light of all of the above, I, Steven R. Pedigo the individual, and the OSEI Corporation hereby request the immediate approval of the implementation of OSE II, and that a permit be issued for the use of OSE II on BP's Deepwater Horizon Macondo oil blowout in the waters of the Gulf of Mexico that began, per reports, on April 20, 2010."

The entire request was not specific to a permit; it covered approval and implementation, and permitting, as well as pre approval. Therefore the fact that there is no authority for permitting should not stop the EPA/RRT VI from fulfilling the regulation you quoted, by approving OSE II for the BP DWHS, and pre approving OSE II, since there is absolutely no scientific reason not to authorize, pre approve, and allow responsible parties to utilize OSE II in region VI.

Regarding your next statement,

"The goal of the RRT, in making decisions regarding the use of alternative spill response technologies is to minimize environmental damage."

Minimizing environmental damage should be the standard for any response technology. Yet the damage that the EPA/RRT has allowed, supported and justified through the use of the two Corexits, as well as the inadequate mechanical response methods violate this standard to an astonishing extent as numerous scientists have proven.

OSE II is not an alternative technology, it is the only first-response, non-toxic technology that is the preferred method in many other countries where they want to actually clean up their oil spills. Mechanical clean up and dispersants cannot begin to compete with OSE II on any level or aspect of a spill. What should be considered as "alternative" should be mechanical means since they are relatively so ineffective.

The next statement in your letter states

"...while Region 6 RRT has acted to issue pre-authorization to FOSC's for the use of dispersants in waters deeper than 10 meters, and/or farther than 3 nautical miles, whichever is farther from the shore".

The fact that you have to limit this chemical dispersant from certain areas proves it causes problems to some areas of the environment. As the DWHS has proven, the problem is that the Corexit, after sinking the oil, causes the oil to come ashore underwater as tar mats, plumes or tar balls and this allows the destructive toxicity of the dispersants to adversely effect the marshes, shorelines, and beaches. So there is no area that is safe to apply dispersants. The millions of dead animals that lived in the water column are visual proof that dispersants should never be used.

Dispersants created more problems by moving the dispersant and oil into secondary areas, like the water column, the seabed, and into the marshes, and beaches, where the same oil that had dispersants applied to them out in the open water had to, then, be addressed a second time ashore, after devastating the environment while on their journey to the seashore. This type of response method creates endless secondary problems and not only does not minimize environmental damage it makes the negative impact exponentially worse.

Your letter then states that "RRT 6 has maintained a policy of favoring mechanical removal of oil from the environment when feasible".

The BP DWHS has proven mechanical cleanup is not feasible, and allows too much damage to the environment. In fact, Exxon utilized mechanical cleanup on the recent Yellow Stone River, and they will now spend 42 million on a spill that could have been 100% addressed with OSE II with less environmental damage, for approximately $900,000.00. Mechanical cleanup allowed more than 200 miles of shoreline to become contaminated. This allowed an enormous amount of environmental damage and did not minimize anything, other than Exxon's wallet.

Your letter then states,

"The near shore and inland environments are ecologically diverse, and variables such as seasonality, temperature, nutrient levels, substrate environmental sensitivity, and the nature of the spilled oil all have to be taken into account in determining which spill cleanup methods minimize environmental impact."

All this sounds like a lot; however, one of the definitions of insanity is 'doing the same thing over and over and expecting a different outcome.' Supposedly the EPA/RRT is taking all of these variables into account, but then they unfailingly continue to carry out the exact same antiquated, proven-to-fail response. One could actually say that when it comes to oil spill response, the EPA/RRT do not need to exist, since,for 23 years, they have carried out exactly the same methods with no change, whatsoever, despite the unbroken sequence of failed responses. It is time for a change.

Your letter then states that, for the above reasons (the variables you mentioned),

"it is highly unlikely that preauthorization would ever be issued for all navigable waters within Region 6 as you have requested".

Yet, scientifically, not one of the reasons you mentioned can be used as a valid means to not pre approve OSE II, since OSE II emulates mother nature's own process, and all OSE II does is speed the process up, to prevent toxic hydrocarbons from imposing their toxicological effects on the environment for an extended time. Doing nothing at all is the same as using OSE II slowly!

Regarding your next statement:

"instead, decisions on the use of your product, pending a request for concurrence from a FOSC, would more likely be made case by case basis, and would involve consideration of the full range of available clean up methods, with the goal of minimizing overall environmental damage."

This statement sounds good because it implies that there are a lot of other products available and that the EPA/RRT diligently handles each one and approves or disapproves of each one based on the strengths of its own merit. However, once one knows the history of the EPA/RRT over the past 23 years related to oil spill cleanup methods, and is familiar with the other very short list of bioremediation products on the NCP list, the statement becomes transparently disingenuous and misleading. Of the over 200 products that have come and gone on the NCP list over the past 23 years, and the only 10 or so bioremediation products that are currently on the list, the EPA/RRT has never once approved any other product for use on US navigable waters than Corexit. By so doing, the EPA/RRT has created and supported a monopoly for one product and one company and has shown pure bias and favoritism to that product/company.

Again, the EPA/RRT's have always allowed, supported and justified the exact same failed oil spill responses over and over and, in so doing, are absolutely responsible for extraordinary amounts of damage to the environment and the marine and wildlife. I do expect OSE II to be pre approved, since there is no scientific reason not to do so, as all the overwhelming evidence in the request information proved.

If, as you say, the "case by case" scenario was true, then OSE II would have been approved rather than thwarted by the EPA/RRT when a preponderance of the following occurred: 1) the responsible party requested it; 2) the Governor of Louisiana requested it to be field demonstrated; 3) LA DEQ requested it; 4) State Senators from Louisiana, Mississippi, and Alabama and the City Council of Destin, FL each made formal, written requests for it; 5) the U.S. Coast Guard wrote an internal "take action with OSE II" letter; 6) the multiple successful demonstrations on the BP spill, especially the demonstration in Mississippi on beach and marsh; 6) the EPA's own successful use of OSE II on the Osage Indian Reservation; 7) the new NCP listing test that the EPA did on OSE II; 8) BP's successful Bio-Chem Strike Team test performed at LSU. There are an overwhelming number of reasons to approve OSE II for the BP DWHS; yet NOAA and the EPA used scientifically baseless excuses to not thwart it, instead. So, again, the "case-by-case" scenario you assert in your letter does not exist, as the past 23 years has proven.

The EPA makes money off of spills by fining and assessing penalties for oil spills. The outdated antiquated proven failed responses of mechanical devices, and dispersants, that create more damages, allows for larger fines and penalties. OSE II by limiting the spills impact and collateral damages, would prevent the EPA from assessing as large of a fine as they can with the failed responses. The EPA and NOAA utilizing scientifically baseless excuses to not use OSE II seems to suggest the EPA is protecting its ability to asses larger fines. This violates your reasoning for utilizing a spill response, and the EPA's charter, or mission statement.

The price of fuel is also adversely affected by oil spills since the American public is forced to pay a tax of approximately 18 cents per gallon of fuel and possibly more, that is set aside for oil spill contingency response by the government. The public is forced to pay for private companies inability to pay for or respond adequately to an oil spill. Since OSE II can reduce the cost of spill response with failed mechanical and dispersant response, and limit damages from oil spills, this tax could remain the same or reduced instead of being raised as has been recently suggested. This is a needless tax on the US economy, and is easily reduced when the EPA/RRT VI correctly pre approve the use of the only product in the world that can clean up the Gulf spill mess exacerbated by the EPA's forced failed response, OSE II!

I expect OSE II to be immediately approved/authorized/permitted - whatever term you want to use - to get OSE II immediately implemented on the BP DWHS spill, and expect the pre approval of OSE II for RRT 6 just as you have given one company's product for 23 years. The only difference is that OSE II creates clean water, is safe, will not kill people or wildlife, minimizes environmental impact of the oil, and has a substantiated, tested endpoint of CO2 and water, which even DOI has recently proven. Corexit has no substantiated end point, spreads the toxicity far and wide, destroys or harms the environment and all wild life and marine life with which it comes in contact. As the information with the request also proved, OSE II meets all of the NOAA selection guide requirements. Corexit meets none of the NOAA selection guide requirements except that it is available.

There are several documents that will be included with this response, the DOI successful test, and a comparison of OSE II to mechanical clean up, and dispersants/Corexits, covering effectiveness, toxicity, compromised health, natural resource damages, litigation, and costs. OSE II has proven to be far superior in every category!

BP's senior Legal Counsel stated that they would utilize what is available if I, and or the OSEI Corporation can get the government to change the response and stops preventing them from utilizing an effective method of oil spill cleanup. OSE II is what BP requested, now EPA/RRT VI needs to authorize it's use. It's time to change from the outdated, proven-failure responses of mechanical clean up and dispersants/Corexits to the most world-wide preferred means to efficiently clean up oil - OSE II.

Sincerely,
Steven Pedigo

From: Cubanski, Edward CAPT
Sent: Friday, September 16, 2011 12:03 PM
To: Couch, Joseph
Cc: Buckley, Christopher LT; Obernesser, James; 'Mason.Steve@epamail.epa.gov'; Hein, Julia CAPT; Walker, Samuel CAPT; 'Ragan Broyles'; 'staves.james@epa.gov'; Troedsson, Peter CAPT; Truhlar, Steve CAPT
Subject: RE: Questions about RRT VI and BCST related to OSE II - RRT 6 Response Letter

Good Morning,

I was wrong - the OSE II product was on the schedule, but bioremediation was never requested by the FOSC. The RRT sent the company a letter (attached) this summer responding to their July 2011 letter. Please let me know if you have any questions.

Respectfully,

CAPT Ed Cubanski, III
Eighth Coast Guard District
Incident Management Branch Chief (drm)
(work) 504-671-2231
(cell) 314-651-9109
Edward.J.Cubanski@uscg.mil

August 24, 2011

Mr. Steven Pedigo
Oil Spill Eater International, Corp.
P.O. Box 515429
Dallas, Texas 75251

Dear Mr. Pedigo:

I am responding to your email of July 03, 2011, to provide information on the process for misconceptions regarding the current status of consideration for use of your product on the remaining oiled areas from the Deep Water Horizon Spill.

The processes for approving the use of bioremediation agents for use in spill response, and for pre-approving such uses are established in Subpart J of the National Contingency Plan (NCP) in 40 CFR Part 300.910(b) and (a), respectively. The Federal On-Scene Coordinator (FOSC) may approve the use of such agent, during a spill response, with the concurrence of the Regional Response Team (RRT) representatives from EPA, the states with jurisdiction over the

waters threatened by the release or discharge, and in consultation with the appropriate DOC and DOI natural resource trustees.

In the case of the Deep Water Horizon spill, the USCG provided the FOSC, and has made no request for concurrence by the RRT representatives listed above on the use of your product.

The RRT may also approve preauthorization plans for the use of bioremediation agents, if they are proposed by an Area Committee, with the concurrence of its representatives from EPA, the states with jurisdiction over the waters of the area to which a preauthorization plan applies, and the DOC and DOI natural resource trustees. The Region 6 RRT has received no such request for preauthorization of the use of your product.

In response to your request for issuance of a permit for use of your product on BP's Deepwater Horizon Macondo oil blowout of April 20, 2010, there are no existing authorities for issuing such a permit.

The goal of the RRT, in making decisions regarding the use of alternative spill response technologies is to minimize environmental damage. While the Region 6 RRT has acted to issue preauthorization to FOSCs for use of dispersants in waters deeper than 10 meters, and / or farther than 3 nautical miles, whichever is farther from shore, it has also maintained a policy of favoring mechanical removal of oil from the environment when feasible.

The near shore and inland environments are ecologically diverse, and variables such as seasonality, temperature, nutrient levels, substrate, environmental sensitivity, and the nature of the spilled oil all have to be taken into account in determining which spill cleanup methods minimize overall environmental impacts.

For these reasons, it is highly unlikely that preauthorization would ever be issued for all navigable waters within Region 6 as you have requested. Instead, decisions on the use of your product, pending a request for concurrence from a FOSC, would more likely be made on a case by case basis, and would involve consideration of the full range of available cleanup methods, with the goal of minimizing overall environmental damage.

If you have any questions or would like additional information, please feel free to contact me or Mr. Jim Staves of my staff at 214-789-3417, or you can email Mr. Staves at, Staves.james@epa.gov.

Sincerely yours,
Ragan Broyles, Associate Director
Prevention & Response Branch (6SF-P)

From: "Walker, Samuel CAPT" <Samuel.Walker@uscg.mil>
To: "Spencer, Stephen" <Stephen_Spencer@ios.doi.gov>, James Staves/R6/USEPA/US@EPA
Date: 08/08/2011 02:53 PM
Subject: RE: REPLY TO CONTROL: AX-11-001-1190 Pedigo Issuance of Permit to OSEI Corporation
Sent by: Samuel.Walker@uscg.mil

Alcon;
To confirm, neither the Coast Guard writ large nor the GC-IMT has made any requests for the use or "implementation" of this treatment tool. The CG is not qualified to direct such and will always defer to EPA and NOAA on qualification of products for the pre-approval process controlled by the RRT.

Duke
Capt Duke Walker
USCG District Eight
Chief of Response

Permit issuance for Deep Horizon spill and Pre approval
steven pedigo
to:
LisaP Jackson 07/12/2011 01:20 AM

To All involved in the RRT VI or members of the RRT VI,

Attached are several documents regarding the importance of having the RRT immediately issue the necessary permit for the non-toxic product called OSE II to be implemented as a cleanup tool for BP's Deepwater Horizon oil blow out response. We are not sure everyone received this section of the email, this is to make absolutely sure.

1) The first document is the scientific basis and reasoning per the Oil Spill Selection Guide, established by Regions III and IV, to immediately approve OSE II for the cleanup response to this spill.

2) Several other documents, including correspondence between the OSEI Corporation and the US EPA that clarify
concerns that have been expressed and resolved.

This package of information addresses and should fully resolve every possible question an RRT official might have
regarding this issue. I would appreciate it, if anyone who is associated or a member of the RRT VI who was not emailed this request, the EPA, or Coast Guard member of RRT VI will copy the entirety of this email and its contents to any member not in receipt of this information.

I await your quick response and issuance of the permit to the OSEI Corporation for the application of OSE II on the Deepwater Horizon oil. The Coast Guard has requested its immediate implementation and, with the attached package of information in hand, there is now no viable or scientific reason why it should not be immediately authorized for use.

Sincerely,
Steven Pedigo

July 1, 2011

P.O. Box 515429
Dallas, Texas 75251
Ph: (972) 669-3390, Fax: (469)241-0896
Email: oseicorp@msn.com
Web: www.osei.us

INTRODUCTION

Since 1989, despite voluminous and incontrovertible scientific evidence demonstrating the extraordinary and swift effectiveness of the non-toxic first-response, oil spill cleanup method called OSE II, the product has been arbitrarily frozen out of the US navigable water clean up business by the US EPA, NOAA and other federal agencies represented in the EPA's Regional Response Team (RRT). This group has created a framework of conditions that support an existing monopoly for the Exxon Corporation's product Corexit 9527a. In May of 2010, when the EPA demanded that BP find another cleanup method for the Deepwater Horizon than Corexit 9527a, the RRT approved in lightening speed (within 24 hours) BP's requested substitute - Exxon's other product, Corexit 9500, without regard to its toxic adverse effects, and/or its lack of value to the BP Deepwater Horizon oil cleanup response.

The use of the two Corexit products in this disaster has, predictably per their labels and official Material Safety Data Sheets, exposed them to the broad public as being the horrifically toxic chemicals that they are, and this fact has been underscored by the test results of numerous independent scientists.

EPA/NOAA RATIONALIZATIONS

OSE II (the enzymatic product with no microbes in it which is already on the official EPA National Contingency Plan for oil spill cleanup) has had repeated requests from the injured Gulf States for its implementation as a non-toxic, first-response cleanup method, but the EPA/NOAA have ignored these requests, and/or used false, non-scientific justifications for arbitrarily stopping the use of this product, which is the world's most experienced and effective, hydrocarbon-based, cleanup tool.

The first specious reason for not allowing OSE II to be implemented in the Deepwater Horizon disaster was expressed by Sam Coleman (Director of the Superfund Division, EPA Region 6, and the EPA's RRT6 representative). Despite the fact that as early as 1996 the EPA insisted that OSEI Corporation prove it was not a sinking agent, and the subsequent test results are in EPA's files that clearly demonstrate that OSE II operates exactly opposite to a dispersant and/or sinking agent, Coleman stated that they "were worried OSE II would sink oil," necessitating the repetitive process of explaining, once again, how groundless his concerns were.

Additionally, as recently as March of 2011, tests on OSE II were completed by BP's Dr. Tsao at LSU laboratories, while in close communication with the members of RRT 6, once again proving to the EPA and Sam Coleman that OSE II does not sink oil.

The next justification the EPA/NOAA used to prevent OSE II's implementation was that they "were worried that OSE II would grow too many indigenous bacteria and that this would somehow create a bigger problem after the oil was digested and broken down." It is important to note that NOAA is the scientific advisor to the EPA. It was astonishing to receive this statement by a scientist from NOAA because it shows a complete ignorance of the most basic factors of bioremediation and microbiological processes. Most first-year biology students learn that any eco system can only sustain that amount of life supported by readily available food. Once the food is depleted, that eco system will no longer sustain the same amount of life, and, in the example of bio-stimulation of indigenous microbes, the surplus of microbes simply die back to their normal background levels after the oil is digested, with no negative side effects to the environment of any kind.

ARE EPA/NOAA OFFICIALS ACTUALLY LOOKING FOR NON-TOXIC SOLUTONS?

EPA/NOAA are responsible for protecting the environment. They have purportedly been in the process of diligently researching the various potentially viable non-toxic solutions for cleaning up the oil blowout. All the necessary information from tests done on OSE II at the request of the EPA over the past 21 years, plus the current tests completed in March by BP at LSU, plus information regarding the over 16,000 real-life oil spill cleanups successfully performed by OSE II, with not one negative side effect ever reported, have been provided to the EPA/NOAA as a part of this allegedly sincere vetting process. Had the EPA/NOAA honestly reviewed the OSE II information, including pictures of the over 5,000 gallon significant crude oil spill cleaned up with OSE II for Texaco in a closed, large pond, they would have seen the fact that OSE II causes the oil to float until it is converted to water and CO2. They would also have seen the natural process of steps that occur when OSE II is applied to an oiled environment: 1) bacteria grow on the oil's surface, 2) clump up as the food source diminishes, and then 3) return to background levels once the crude oil/food source had been depleted. They would have also seen that the use of OSE II does not harm the flora and fauna, and, in fact, protects the marsh grass, birds, fish, turtles, snakes, and the rest of marine and wildlife, and prevents migratory birds from getting coated with oil and dying from exposure. See link http://osei.us/photoalbums/crude-oil-spill-cleanup

It is very apparent that either these officials did not bother reviewing OSE II's easily-accessed public information on our web site which we have referred them to repeatedly in order to help them make the best clean up response decisions, or that, if they did review the information, they have entirely other agendas than genuinely wanting to clean up the Deepwater Horizon disaster.

ANOTHER UNWARRANTED CONCERN

Another verbal pretext that was given to Sanford Phillips of LA DEQ to justify why EPA/NOAA was refusing to allow LA DEQ to implement OSE II for this disaster was stated by Charlie Henry of NOAA. Henry is NOAA's Lead Scientific Support Coordinator for the Deepwater Horizon Response. Henry made a blanket statement that "no product will be used that contains surfactants". Again, this was a strikingly uneducated statement coming from a NOAA official as it showed complete ignorance of the predictable processes Mother Nature utilizes to clean up an oil spill. Surfactants are a natural part of that process. I subsequently thought I had put this matter to rest with an explanatory

letter to Charlie Henry, which I copied to the other senior EPA and RRT officials; however, as though that letter was never received or read, DOC and NOAA officials, once again, made the same groundless statement several months later as their most recent justification for preventing the implementation of OSE II. The toxicity test results the EPA has for OSE II (of which, a predominant number were performed by the EPA themselves), showing that OSE II, as a product, is completely non-toxic, proves that the type of surfactant it contains is of no concern. Despite this, the repeated presentation of the pertinent scientific facts related to this have been ignored by EPA/NOAA.
Letter attached.

On the other hand, BP's Dr. Tsao relayed to us that the RRT claimed that they agree with the use of bioremediation technology, "as long as the products don't contain a surfactant." Of note is that Corexit contains 4 different chemical surfactants. Apparently, however, that was not an issue of concern when they rushed through the permits for its use despite the fact that one needs only to read Corexit's label and MSDS sheets to know that it is lethally toxic to people, flora and fauna.

Again, the unfounded justification for not allowing OSE II to participate in the BP/LSU field demonstration that was to occur once products had proven themselves in the LSU lab as being potentially viable solutions, was that it contains a chemical surfactant. If those responsible for vetting alternative, non-toxic solutions to cleaning up the Deepwater Horizon disaster have actually read any of the documentation we supplied, or seen any of the toxicity tests easily accessed on OSEI's website under the "Technical Library" section, then they know that OSE II is completely non toxic.

For those who have not read it, and/or are interested, the results of 14 different toxicity tests are attached to this letter: 10 salt water species, 3 fresh water species, and one water flea. They show, overwhelmingly, that OSE II is safe for marine species, the environment and people. So, again, the fact that OSE II has a surfactant in it is completely inconsequential as far as the safety and effectiveness of implementing it. Using this as an excuse to justify preventing its implementation is scientifically illogical.

The chemicals that 40 CFR outlaws and which cause a product to be unsafe and prevent it from being approved for inclusion on the EPA's NCP list, are chlorinated hydrocarbons and trace elements. OSE II does not have any of these and it has been on the NCP list for many years. In addition to voluminous scientific test proof, it has been proven empirically to be non-toxic to marine species and humans since, as a demonstration, OSEI staff have actually ingested it on TV and it has been utilized by the US Navy in areas with abundant marine life nearby, including dolphins and whales, and had absolutely no negative impacts on any species.

The EPA NCP testing has substantiated that OSE II has a defined endpoint: it converts oil to CO2 and water. BP's recent LSU test on the combination of Louisiana sweet crude oil mixed with Corexit dispersant proved OSE II was the most effective product at remediating the PAH's in the oil, which are the most toxic and persistent components of crude oil per the US EPA. The object of any spill response is to lessen the toxicity to the environment in order for living organisms to be able to survive. The desired result would be to clean up 100% of a spill, and OSE II has proven it does exactly that over 16,000 times on both fresh and salt water spills, and wherever hydrocarbon-based material is spilled. No other product in the world has the first response capabilities with the swift and financially viable desired outcomes of OSE II: it is able to address 100% of the spill, limit a spill's environmental impact, protect natural resources, and return the area involved to pre-spill conditions in usually less than 2 weeks, once it comes in contact with the oil, and not usually more than 4 weeks. OSE II is a sole source clean up product, and never has there been a more vitally important time to get it implemented then on the massively catastrophic situation that currently exists in the Gulf of Mexico as a result of the on-going Deepwater Horizon disaster. There is no legitimate scientific reason not to use OSE II immediately.

EPA IGNORES NOAA'S ALREADY ESTABLISHED GUIDELINES

It is important to note that the NOAA selection guide, established by the RRTs 3 and 4 in cooperation with the NRT and paid for by the US Coast Guard, provides useful tools in deciding which product(s) to use for the cleanup of an oil spill. These guidelines are based on toxicity and ability.

Clearly stated on page VIII under "Basic Reasoning" are the following parameters:

1. Decide if applied technology might provide value.

When one looks at this guideline in relationship to the choice of chemical dispersants used in the Deepwater Horizon, neither of the Corexits added anything of value; in fact, they exacerbated the problems of the BP spill by adding substantially more toxicity to the already toxic situation caused by the oil, and spread it exponentially further throughout the marine environment. On the other hand, when looking at whether or not OSE II, if applied, provides

value, one finds that it has a substantiated end point of CO2 and water and prevents oil from unnecessarily contaminating additional areas (the water column below the surface, the seabed, the beaches and the marine life/seafood). The combination of the latter with the fact that it is non-toxic, gives OSE II considerable value.

2. Decide if the OSC has the authority to use it within its useful time frame.

This specifically pertains to both Corexits since they cannot be used on weathered oil, and, therefore, must be applied to the oil within a matter of a couple of days or less, after it has released into the environment.
On the other hand, OSE II has no time frame limits and can be used as a first-response tool and at any point after oil has escaped into the environment. It works equally well whether it is fresh oil or weathered. There are no time limitations whatsoever. Additionally, because it is already on the NCP list, it can be legally used by the OSC immediately.

3. If so, can it be here in time?

The OSEI Corporation keeps enough OSE II on hand to clean up 1 million gallons of oil, or hydrocarbon-based material, on an immediate basis and can rapidly ramp up manufacturing to meet any requirement, in multiple countries, and has. We have been fully prepared to deploy in response to the Deepwater Horizon disaster since the beginning of the incident. Yet, as noted above, the EPA has actively prevented it.

4. If so, does it have application requirements that exceed the window of opportunity?

As stated earlier, both Corexits have narrow time windows of opportunity for application, while OSE II has no time application requirements that exceed any window of opportunity; it can be used as a first and only response method, and has been used and tested and used on all types of oil and hydrocarbon-based material, both fresh and weathered, with no limitations.

5. If not, does it have unacceptable environmental requirements, health, and safety risks associated with its use?

As can be readily seen on their labels and Material Safety Data Sheets, both Corexits have egregious health and safety risks. To protect responders, one must wear chem suits and full face respirators. Their EPA toxicity tests show them to be extremely toxic. If spilled, they are to be cleaned up as a hazardous material. And, yet, the EPA has allowed them to be spread in massive amounts throughout enormous areas of the Gulf waters, even though they had a known history of severe adverse health problems in regards to responders in the Valdez spill. Corexit dispersants have no defined or substantiated end point. However, per the Woods Hole Oceanographic Institute tests just completed in March of 2011, it has been proven that both Corexits cause oil to linger longer in the water column and sediment and actually slow down the natural biodegradation processes even more than if no response method at all had been used on the blown out oil.

Conversely, as mentioned above, OSE II is so non-toxic it has been ingested on TV demonstrations to show its safety, and we have videos and numerous photos of contractors and OSEI personnel washing their hands in it with no adverse side effects over the last 22 years. The numerous toxicity tests on the OSEI web site at www.osei.us, under "Technical Library" and the toxicity tests attached show OSE II to be virtually non-toxic. In direct contrast to both Corexits, OSE II has a predictable, substantiated result/end point: CO2 and water, and it achieves this result, regularly, in less than 2 weeks, but usually not more than 4.

6. If it has special operational requirements, is there an identified specialist (technical contact) who can provide timely advice on its effective use?

Both Corexits have limited windows, and need special, costly equipment to apply it in order to protect responders. However, an example of the ease with which OSE II can be applied is that the OSEI Corporation showed some Louisiana fishermen how to measure and apply OSE II effectively in less than 15 minutes of training. And no hazardous material suits or respirators or hazardous material training were required. All equipment needed to apply OSE II is readily available, and quickly obtainable. There are numerous OSEI Corporation associates that are available on immediate notice to consult on spills, as needed.

These essential NOAA guidelines have been ignored by the RRT 6. It is obvious that none of these points were honestly considered when choosing what products to use for the Deepwater Horizon oil cleanup response, and it is the lack of its use that has resulted in the extraordinarily inadequate and disastrous consequences.

The guide also includes specific instructions related to what should be considered regarding toxicity levels when choosing which products to use. Both Corexits completely violate the guide's rules related to toxicity, while OSE II fully aligns with its toxicity guidelines.

BP's "BioChem Strike Team" testing at LSU has now shown that OSE II reduced more of the toxic components of the oil (PAH's) over any other product tested by a significant value; per the results that were sent to me, it appears to have been over 65% better than the next best product.

THE EPA'S INTENTIONS TO HONESTLY TEST FOR NON-TOXIC, ALTERNATIVE SOLUTIONS TO COREXIT ARE SUSPECT

A testing process began in June of 2010 ostensibly to isolate non-toxic, better alternatives to Corexit. The stated protocol was that, after successful lab tests on several alternative products were conducted at LSU, final tests on Deepwater Horizon oil in the field were to be the ultimate deciding factor for EPA/RRT approval for their implementation. After stringing along for over a year some companies with alternative products by slowly doing tests in a lab at LSU (tests that should have taken 2 to 4 weeks took 9 months), the EPA arbitrarily decided, on April 14, 2011, not to follow through with the field demonstrations although they did not inform us of their decision. LA DEQ, in an effort to prevent their state's natural resources from continued destruction by Corexit, went to battle to get the field demonstrations done and the EPA changed their position and agreed, on April 21, 2011, to allow a field demonstration, but with one caveat: they would (once again) not use any product that contained a surfactant. As OSE II is a product of those being tested, that contains a surfactant, this was obviously intended to prevent OSE II from being included in the field tests. As clearly explained above, and to the EPA a few weeks prior, refusing to allow OSE II to do the field tests because it has a surfactant has no scientific validity and is baseless as a justification for not using OSE II. However, instead, they chose four of the ten products tested by BP in the LSU lab for the field demonstration that they knew would not work.

The LSU tests and their own prior EPA tests show these products to be very poor at reducing the most toxic components of the oil, the PAH's. Despite the fact that OSE II's results in the LSU lab tests were irrefutably better than any other product at handling the PAH's, the EPA/RRT decided not to include it in the field demonstrations. The EPA has tested 3 of these products and OSE II in the past, in an estuarine environment (see attached EPA estuarine test) (also see attached EPA fact sheet), and OSE II was the only product that proved it could work. The fourth product has a toxicity value demonstrated to kill 50% of Menidia in 96 hours when they come in contact with 25.33 parts per million of the product, and 50% of Mysidopsis die within 48 hours when coming in contact with 25.33 parts per million. The fourth product's EPA toxicity tests show it to be as toxic as the two Corexits, while only reducing 10% of the toxic part of the oil, the PAH's, meaning it is relatively valueless, per the NOAA guidelines and common sense.

The EPA had to have known that all 4 products chosen would fail the tests, based on their earlier tests, when they chose them to be applied in a field demonstration. The only logical reason for them doing this is to help them to justify their use of Corexit, ie, "We tried bio remediation and it didn't work." I clearly pointed this out to them in a letter to LA DEQ/RRT shortly after their decision to only test these 4 products in the field came out, and, again, presented the reasons why OSE II should be allowed to participate in the field tests. A few days after my letter was received, Dr. Tsao notified OSEI, and presumably the other bio remediation companies, that the RRT/EPA had, once again, just changed their mind and decided not to run the field tests at all, with no reason given. The EPA has certainly been consistent over the past 21 years in its effort to thwart the implementation of OSE II. OSE II is the only product the EPA tested in the estuarine environment that showed promise, and, based on OSEI's long history with the EPA, I can only assume that the reason they arbitrarily stopped the field test was to prevent OSE II from demonstrating how effective it would be in completely cleaning up the estuarine environment. In the earlier EPA test done in an estuarine environment in 2002, OSE II had activated the natural bioremediation process when none of the other products had shown any positive results. At that point, the EPA arbitrarily decided to stop the tests and not allow them to complete; again, with no reason stated.

The EPA and NOAA have again repeated the statement they would not allow a product with a surfactant in an RRT meeting and put it in writing in a Coast Guard RRT letter. And yet, as explained above, they have not only allowed the use of Corexit for 22 years, which has surfactants, but have allowed it to be the only product with "pre approval" status, meaning when an oil spill happens, the responsible party does not have to get a permit to immediately begin using it. It also means they have no other option, initially, when there is a spill, because the EPA has never allowed any other product to be given pre- approval.

There are different types of surfactants. OSE II has safe, non-toxic bio surfactants/surfactants, and Corexit has toxic surfactants. Yet the EPA does not disqualify Corexit. So, to say that the reason OSE II is not being allowed to be utilized in the Deepwater Horizon disaster, or even demonstrated in a field test because it has a surfactant is disingenuous in the extreme.

The EPA has defamed the OSEI Corporation's product, OSE II, through the use of scientifically baseless excuses to stop its use, spreading the false impression to others not informed about OSE II that there is something wrong with it and/or that it does not produce the results it has fully proven to produce. The EPA/NOAA and other members of the federal government on the RRT have used baseless concerns, statements that defy all the tests they have to hand in regards to OSE II: their own successful use of OSE II on the Osage Indian reservation, the numerous demonstrations of

OSE II on the OSEI web site under "News Videos" for the BP spill, photos showing OSE II's exact process on a crude oil spill for Texaco (entitled "Crude oil spill" under "photos" on the OSEI Corporation web site), a 223 page technical library on our web site with numerous efficacy, toxicity, and other tests to try to overcome the EPA's arbitrary hurdles for the past 22 years. And yet they still continue to make statements that have no scientific basis, which the OSEI Corporation can discredit easily with either test results, videos, photos, or experience.

It would be easy to make some rather snide comments about all of this because refusing to allow the use of OSE II "because it contains [non-toxic] surfactants" is comparable to saying "We won't allow the use of OSE II because it has water in it." This situation would be laughable if there weren't so many people's lives being destroyed by the inadequate, yet still reversible, cleanup response and the broad scale destruction of the environment and marine life of the Gulf wasn't being so negatively impacted. The fact that the EPA/NOAA and other government officials are violating their oaths of office, their charters, and the Clean Water Act by continuing to act in this manner places them in a very untenable position.

EPA CLAIMS TO US CONGRESSMAN THEY HAVE NO PROTOCOL FOR THE USE OF BIOREMEDIATION

On Thursday, June 17, 2011 a senior representative from the EPA stated to a US Congressman that the EPA has no protocol for the use of bioremediation. In fact, if you go to 40 CFR part 300 subpart J, you will see under "Bioremediation" there is nothing there; the page is blank. However, OSEI obtained in 1992 the EPA's formal Bioremediation protocol, which was completed after extensive, taxpayer-funded testing. We are in the process of locating that in our warehouse archives of over 22 years of information and documentation from the EPA and other federal agencies. In the meantime, attached is the protocol developed by the EPA in conjunction with RRT VI (the lead RRT for the BP Deepwater Horizon blowout). The attached document is a copy of the last draft before the final one was completed. The protocol document was completed in January of 1992 and is written on EPA's letterhead. The document tracks similarly with the dispersant protocol, except it pertains to bioremediation. This document has existed for approximately 20 years, however the EPA is now denying that it exists, and it has been left out of the Code of Federal regulations. It is interesting that the completion of the document was during the same period the EPA/NETAC developed the NCP listing protocol, as well as the open water testing procedure for bioremediation products, and the monitoring program for bioremediation products. This document was shelved at the same time Exxon's attempt at a bioremediation product (Inipol EAP 22) was proven to be ineffective and very toxic. Chemically it is basically the same as Corexit with added nutrients.

There is a means and a procedure to use OSE II/bioremediation on a spill, which the EPA has not acknowledged or utilized, despite the fact that the magnitude of this BP disaster calls for every effective tool possible.

EPA VIOLATES STATES' RIGHTS

As there has been, since the beginning of this disaster, a safe, effective means to protect the natural resources and people of the Gulf from the onslaught of toxic oil and the unnecessary use of toxic dispersant, the EPA and NOAA as well as the other federal agencies involved, have violated the Gulf States' Constitutional right to protect their natural resources and the health, safety and welfare of their citizens, forcing these people to endure hardships that were and continue to be preventable by simply granting the States' and BP's requests to utilize OSE II.

Representatives from the State of Louisiana had OSE II's information thoroughly vetted by May 2010 and stated that they had come to the conclusion that OSE II had merit. Some of these same people sit on the RRT and on the EPA's science panel. Governor Jindal attempted to have OSE II demonstrated on Chandelier Island on May 6, 2010, the day the oil first reached the Louisiana barrier islands, but the EPA stopped the demonstration from occurring and sent a veiled threat, through Dwight Bradshaw of the RRT to me, stating that if I followed through on Governor Jindal's request for the field demonstration of OSE II "there would be consequences." The RRT became culpable on that day for all the subsequent damages to the Louisiana coastline.

A SUCCESSFUL FIELD DEMONSTRATION OF OSE II ON DEEPWATER HORIZON OIL HAS BEEN PERFORMED

The Waveland Beach, Mississippi demonstration with Region IV EPA officials present should have alleviated all concerns in regards to OSE II, when you take into consideration the numerous toxicity tests performed on OSE II, the numerous efficacy tests, the EPA NCP tests, and now BP's Deepwater Horizon oil spill test at LSU.

How the Waveland Beach demonstration came about was that Mississippi State Senator Gollot ordered OSEI staff and the Mississippi DEQ to find a place to perform a field demonstration of OSE II. They decided to do it on a beach and in a marsh area of Waveland Beach. RRT 4 personnel and others were notified of the time and place. The EPA representatives from RRT 4 showed up at the demonstration but, for some reason, started to leave before it was completed. As they were leaving, they told Mark Rettig, an OSEI associate, there was "no way RRT would allow any non-indigenous bacteria to be used in their Gulf waters." When Mark told them that OSE II doesn't have any microbes in it, they became more interested and decided to stay for the full demonstration.

There were about 50 people there, including Senator Gollot and one other state senator, EPA reps from RRT 4, several officials from Mississippi Bureau of Marine Resources (BMR), several officials from MS DEQ, and several BP contractors as well as several media outlets. The DEQ reps not only observed, but they participated in laying out the geographical application area. The area was partitioned and isolated by booms so that the fate of the oil, once it came into contact with OSE II, could be accurately demonstrated.

The demonstration was done. All in attendance saw OSE II being applied by a simple backpack spray apparatus onto a sandy beach area and a marsh grass area with the protective boom around it. All attendees witnessed the successful first stages of OSE II on BP oil laced with Corexit and which had soaked into the sandy beach and was adhering to the marsh grass. They saw that it took less than 5 minutes for the oil to lift off the sandy beach and the grass. In about 5 more minutes the oil broke into such small particles it began to be difficult to see. Within 2 hours it was very difficult to see any part of the oil at all. It floated on the surface until it was completely remediated. Some of the attendees returned 5 days later and no trace of oil could be found. Also in attendance for the first day's demonstration was ABC News, who captured the entire demonstration on video and aired it on a local news program later that day. Note: The EPA has never acknowledged this successful demonstration of a non-toxic product on BP's oil, other than to repeatedly imply that it wasn't legal to do this demonstration. I have had to repeatedly point out to them that MS DEQ and Mississippi State Senator Gollot requested and authorized it; that EPA officials were there and witnessed it, and that at the beginning of the demonstration Senator Gollot openly challenged the officials there to stop the demonstration if they had a problem with it, and that no one stepped forward.

This was the first time during the Deepwater Horizon catastrophe that OSE II had an opportunity to prove in a live field test on a Gulf sandy beach and marsh that what the earlier LSU tests from 2009 as well as the EPA/NETAC tests from 1992 showed would play out in this type of environment. Despite the success of the test, the RRT/EPA never acknowledged or acted upon it. [Go to http://osei.us/819 to view the WLOX news program about the OSE II demonstration at Waveland Beach.]

If there was a sincere desire to clean up the contaminated waters and shoreline, this demonstration should alleviate any possible concerns because, after 11 months since the demonstration, the protective booms were removed and the marsh grass is completely free of oil and shows no signs of stress or deterioration from the spill. The sandy beach area where OSE II was applied was dug down into and there were no tar balls or visible oil residue. Just 25 yards away, as of June 15, 2011, on the other side of the concrete drainage area you can dig down into the sand and discover tar balls and oil residue. See the pictures below that show the difference in the EPA-allowed response (Corexit) and the use of OSE II on the sandy beach after 11 months.

This demonstration absolutely proves there is no legitimate concern related to the use of OSE II and that it should be implemented immediately to begin to reverse the damage that has been done to the shorelines, estuaries, marshes, water column, sea floor, marine life and wildlife of the Gulf by the EPA's inadequate cleanup response to the Deepwater Horizon oil with both Corexits. The fact is, with the Waveland Beach demonstration, an OSE II field demonstration has already been successfully performed and, predictably, with no adverse effects. The dichotomy between the proven constructive and valuable results of OSE II and the destructive impacts of the two Corexits clearly illustrate how the US EPA/NOAA, and other federal agencies on the RRT needlessly forced the Gulf Coast States of Louisiana, Mississippi, Alabama, Texas and Florida to suffer natural resource damages, unnecessarily exterminated millions of marine animals, pointlessly caused the destruction of thousands of birds, wreaked havoc on Gulf businesses, jobs and the economy, inflicted severe and alarming health problems and even death on massive numbers of Gulf Coast residents and cleanup responders who have begun the slow, painful trek to contracting numerous types of cancer, and ultimately their deaths, which is the second time responders have been given life sentences for helping out in an oil spill (the Valdez spill being the first notable time). All of this was absolutely unnecessary.

COMPARING OSE II AND TOXIC CHEMICAL DISPERSANTS

The EPA/NOAA, and the other federal agencies on the RRT that have arbitrarily thwarted the use of OSE II are now faced with the reality that a side-by-side comparison has been drawn between OSE II's results and the inadequate response of using Corexit. BP, a major oil company, has successfully tested OSE II on this massive spill, requested OSE II's implementation, and the EPA has continued to prevent its use with trumped up, baseless, non-scientific excuses. And this, while an almost unimaginable amount of harm is being done to the natural resources of the US and health, safety and welfare of US citizens. The EPA/NOAA, and the other federal agency officials involved, are violating their oaths of office, their job descriptions, and their agency's charter requirements. The EPA/NOAA/RRT VI has successful test experience with OSE II (EPA/NETAC testing), and successful utilization (Osage Indian Reservation on US navigable waters). The EPA learned, first hand, of 100's of clean ups performed on navigable waters by the US Navy in San Diego Bay over a 3½ year span, with dolphins and whales nearby. There were no adverse effects from the constant use of OSE II over this 3½ year period in San Diego Bay; no dead whales, dolphins, fish or wildlife. This is in direct contradiction to the destruction Corexit has caused in the Gulf with EPA's approved response action. When a product has as much use as OSE II has had in a confined bay area such as San Diego Bay, if it had anything in it that would cause adverse reactions to the environment it would have shown up, and dead species would have rolled up on the shore. This continued field experience proves that the trumped-up concerns of the EPA/NOAA and other federal agencies on the RRT's, are unfounded and baseless.

As explained above, EPA reps also witnessed the successful demonstra-tion of OSE II at Waveland Beach, Mississippi. Now, by putting up unscientific and arbitrary road blocks to a highly effective method of oil spill cleanup, they are proving they have a hidden agenda of some kind related to the Deepwater Horizon disaster which does not include cleaning up the ongoing BP spill. The significant spill of over 5,000 gallons of crude oil spilled by Texaco in Electra Texas, where OSE II addressed 100% of the spill, protected the entire eco system and resulted in no dead marine or wildlife, and returned the pond to pre spill conditions in 18 days. This, once again, verifies that the stated concerns and excuses claimed by these federal agencies to justify not using OSE II to handle this catastrophe are insincere and scientifically unreasonable.

OSE II has been used on thousands of spills in foreign countries in both fresh and salt water spills without a single negative impact. It has addressed these spills as a first and only response tool, effectively cleaning up the spilled oil without the carnage and economic losses attendant to the use of Corexit. It's long history of successful implementation is voluminous evidence, again, that the federal agencies' excuses to not use OSE II are baseless, and their negligence shows a complete lack of regard for the oaths of their office and responsibilities to the environment and the public.

In Summary:

1. The EPA has denied the requests for implementation of OSE II by three State Senators, 1 Governor and the City of Destin, FL.
2. The EPA and RRT federal agencies have stopped the use of OSE II with 4 scientifically baseless excuses:
    a. "concerned that OSE II sinks oil" (scientifically baseless and easily refuted with sound science and an actual BP test);
    b. "NOAA will not allow a product with a surfactant" (no scientifically-based reason and easily refuted with sound science and OSE II toxicity tests);
    c. "EPA/NOAA are concerned OSE II may enhance too much indigenous bacteria", (scientifically baseless, and easily refuted with proof, sound science, tests, field use photos, and videos),
    d. DOC (Department of Commerce) who has no scientific background with NOAA states they "will not allow a product with chemical surfactant", (easily refuted with sound science; OSE II toxicity tests on marine species; successful, safe field use for 16,000 spills; Waveland Beach, Mississippi demonstration; and human ingestion of OSE II).
3. The EPA/NOAA ignored the Coast Guard letter July 10,2010, which stated "take action with OSE II".
4. The EPA, without stating their reason, denied several requests by the LA DEQ to demonstrate or utilize OSE II after the DEQ had done extensive follow up vetting from May 5, 2011 and felt confident with moving forward with OSE II;
5. Sometime between May 19 and May 21, 2010, the EPA denied BP's request to use OSE II.
6. The EPA has denied BP's request to perform field trials with OSE II, despite the fact that OSE II showed, in tests conducted by BP in LSU labs, that it is, by far, the most effective product. They justified their decision by

invoking a baseless, non-scientific reason (OSE II has a surfactant), a disingenuous and fabricated concern that can be easily dispelled by simply reviewing the numerous toxicity tests done on OSE II, all of which show that it is completely non-toxic.

7. A successful field demonstration of OSE II on Deepwater Horizon oil was performed at Waveland Beach, Mississippi on the sandy beach and in the marsh grass which proved, once again, that OSE II would effectively and swiftly clean up not only the oil but the toxic chemical dispersant, protecting the public's health, allowing the marine life and the flora and fauna to rehabilitate. This would allow the seafood and tourism industries to recover.
8. OSE II is extensively used as a first and only non-toxic response tool in other countries to swiftly and thoroughly return impacted areas to their pre-spill conditions with absolutely no negative downside or "trade offs." It has now cleaned up over 16,000 oil spills. This is in stark contrast to the use of chemical dispersants whose only function is to sink the oil beneath the surface and spread it broadly throughout the water column.

In light of all of the above, I, Steven R. Pedigo the individual, and the OSEI Corporation hereby request the immediate approval of the implementation of OSE II, and that a permit be issued for the use of OSE II on BP's Deepwater Horizon Macondo oil blowout in the waters of the Gulf of Mexico that began, per reports, on April 20, 2010. Also, in light of all of the above, I, Steven R. Pedigo the individual, and the OSEI Corporation hereby request the immediate permanent pre-approval of OSE II for US navigable waters of Region VI. Please send confirmation and/or the documents for both formal requests above as soon as possible.

Sincerely,
Steven Pedigo

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29 Jun 2011
U.S. Department of
Homeland Security
United States Coast Guard

MEMORANDUM

From: T.A. Stutin, LTJG
Environmental Section Chief, Federal On-Scene Coordinator
United States Coast Guard, Incident Management Team
1250 Poydras Street
New Orleans. LA 70113

To: J.A. Hein, CAPT
FOSC
Subj: AUTHORITY OF FOSC TO DISAPPROVE THE BIOCHEM STRIKE TEAM SAMPLING PLAN PROPOSAL

Ref: (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR § 300.135)
(b) CGDS memo 16451 dated 05 May II
(c) BioChem Strike Team Sampling Plan proposal dated 31 Apr II
(d) Chemical and Biological Technology Evaluation Strike Team Terms of Reference dated 23 Jun 10
(e) BioChem Strike Team Timeline dated 27 Jun II
(f) Bioremediation Product Field Trials Plan dated OS Nov 10
(g) Regional Response Teams http://www.epa.gov/oem/content/partners/nrsnt.htm
(h) RRT VI Non-Consensus email message from Mr. Bill Goetzee (RRT VI coordinator) to Dr. David Tsao dated 14 Apr 11
(i) RRT VI Convene for Consensus for Limited Field Test of Bioremediation Products in LA as Requested by GCIMT dated 21 Apr 11

(j) RRT VI Convene for Consensus for Limited Field Test of Bioremediation Products in LA as Requested by GCIMT dated 26 Apr 11

(k) DWH Shoreline Status dated 25 Jun II

1. ISSUE: This memo imparts the Federal On-Scene Coordinator's (FOSC) authority to not proceed with the "BioChem Strike Team Sampling Plan" document as proposed by BP and contained in reference (c). This document is a subpart of the "Bioremediation Product Field Trials Plan" in reference (f), specifically proposed to analyze the effects of bioremediation agents on biodegradation via the collection and analysis of water and sediment samples. Therefore, the proposed sampling document is evaluated in this decision memorandum in the context of the overall Bioremediation Product Field Trials Plan.
2. BACKGROUND: The purpose of the Bioremediation Product Field Trials Plan is to evaluate potential bioremediation ofMC252 still present in oiled marsh areas in the State of Louisiana (LA). The plan was developed by Dr. David Tsao, the BP BioChem Strike Team Lead. The history of the plan follows:
    a. As early as June 23,20 I0, a Chemical and Biological Technology Evaluation Strike Team was established to evaluate alternative chemical and biological based oil spill proposed for use in the Deepwater Horizon MC252 Spill of National Significance response as demonstrated in reference (d). Bioremediation was specifically considered due to its potential to provide an alternative to mechanical removal, and to improve the efficiency of attenuation over that of natural attenuation. Thousands of submissions from various sources were reviewed. Based on this initial evaluation, a subset of chemical and biological technologies were presented to the Rapid Response Team (RRT), organized as per reference (g), so that the RRT could study the technologies for potential application in response activities.
    b. The National Contingency Plan (NCP) requires that any biological or chemical based technology be listed on the NCP Product Schedule in order to be used for response (40 CFR § 300.905). Additionally, products listed on the NCP Product Schedule must be approved by the RRT prior to local utilization (40 CFR § 300.910). Following a lengthy review of products, pre-assessment sampling, and coordination with Louisiana State and Parish representatives, NOAA, and SCAT, the Bioremediation Product Field Trials Plan contained in reference (t) was submitted to RRT VI in November 2010, as documented in reference (e). This plan proposed limited field-tests of selected NCP Product Schedule listed bioremediation agents, specifically Oppenheimer Formula 1, International Environmental Products S-200, Pristine Sea II, and WMI-2000 as listed in reference (t). This submitted plan was not approved by the LA State On-Scene Coordinator (SOSC) or by the LA Department of Environmental Quality (LDEQ). As stated in reference (i) and mentioned in reference (h), RRT VI declined this plan. A specific timeline ofBioChem Strike Team efforts and milestones has been compiled in reference (e).
    c. On December 9, 2010, RRT VI again declined the Bioremediation Product Field Trials Plan. This outcome was based on seasonal considerations, ongoing use of natural sorbents, and the presence of indigenous microorganisms and nutrient levels suitable for natural attenuation.
    d. On April 25, 2011, the RRT was reconvened at the request of the LDEQ and approved a field study as set forth in reference (j). The plan was an amended version of the original field study plan in reference (t). The amendments were two-fold; (1) that the gross oil removal would proceed in the test area as indicated in the Stage 3 Shoreline Treatment Recommendation, and (2) that natural sorbents would not be applied to the field study plots.
3. DISCUSSION: Reference (a) requires the FOSC to direct response efforts and encourages coordination with federal, state, local and private response agencies. Under reference (a), the basic framework for the response management structure is a system that brings together the functions of the federal government, the state government, and the responsible party to achieve an effective and efficient response, where the FOSC maintains authority. Reference (b) designates you as the FOSC for this response. I note the following:
    a. As of June 25, 20 II, remaining shoreline segments with ongoing response operations are limited to less than two percent of the LA shoreline, as shown in reference (k).
    b. Based on study duration information in reference (c) and reference (e), completion of the Bioremediation Product Field Trials Plan will require at least seven months. On completion of the Plan, information regarding the efficacy of the products would be made available to the FOSC. At that time, the FOSC could use that information to reach a decision on whether to use bioremediation products in clean-up operations.

c. The scope of the Plan is limited to water and sediment sampling only, and represents a single component of the Bioremediation Product Field Trials Plan. Due to the seven month period of time associated with completion of the Bioremediation Product Field Trials Plan, it is unlikely that any benefit to the current response will be gained by approving the proposed Plan. Additionally, the results of a successful study would be of questionable value because of the presence of indigenous microorganisms and nutrient levels suitable for natural attenuation identified in reference (h).

4. CONCLUSION: The FOSC has the concurrence of the GCIMT Environmental Section in not approving the Plan contained in reference (c). The FOSC has collected pertinent facts, including the potential impact on human health, welfare, safety, and the environment, and the potential impact on natural resources and property that may be affected, in accordance with reference (a). FOSC authority includes the disapproval of the "BioChem Strike Team Sampling Plan" in reference (c) under the authority to direct response efforts contained in reference (a).
5. RECOMMENDATION: Based on the Discussion and Conclusion above, it is recommended that FOSC disapprove the "BioChem Strike Team Sampling Plan" under the FOSC's authority as stated in reference (a).

Julia Hein 06/30/2011
Concur

D.R.K Kavanaugh 06/30/2011
State On-Scene Coordinator